

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 2-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

SERVIER 455 PCT

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/533787INTERNATIONAL APPLICATION NO.
FR2003 003279INTERNATIONAL FILING DATE
November 4, 2003PRIORITY DATE CLAIMED
November 5, 2002

TITLE OF INVENTION

Use of the distrontium salt of 2-[N, N-di(carboxymethyl)amino]-3-cyano-4-carboxymethyl-thiophene-5-carboxylic acid in obtaining medicaments intended for the treatment of gastro-duodenal pain.

APPLICANT(S) FOR DO/EO/US

Yannis TSOUDEROS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

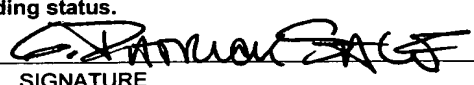
13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☒ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 665490865 US
23. ☒ Other items or information:


FORM PTO 1449

Claim to Foreign Priority benefits under 35 USC § 119

Certified copy of French Priority 02.13805 and Translation thereof

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.55) <div style="font-size: 2em; font-weight: bold; margin-top: 10px;">10/533787</div>		INTERNATIONAL APPLICATION NO. <div style="font-weight: bold; margin-top: 10px;">FR2003 003279</div>		ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold; margin-top: 10px;">SERVIER 455 PCT</div>	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input checked="" type="checkbox"/> Basic national fee				\$300	\$ \$300.00
25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).				\$100	\$ \$200.00
All other situations.				\$200	
26. <input checked="" type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100	
International Search Report prepared and provided to the Office				\$400	
All other situations.				\$500	\$ \$500.00
TOTAL OF 24, 25 and 26 =				\$	\$1,000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)		RATE	
10	- 100 =	0	/50 =	0	x \$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA		RATE	
Total claims	3	- 20 =		0	x \$18.00
Independent claims	1	- 3 =		0	x \$86.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$0.00					
TOTAL OF ABOVE CALCULATIONS =				\$	\$1,000.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =				\$	\$1,000.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
TOTAL NATIONAL FEE =				\$	\$1,000.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +					
TOTAL FEES ENCLOSED =				\$	\$1,000.00
				Amount to be	\$
				Amount to be	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$1,000.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>08-3220</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: G. PATRICK SAGE THE FIRM OF HUESCHEN AND SAGE 500 COLUMBIA PLAZA 350 EAST MICHIGAN AVENUE KALAMAZOO, MICHIGAN 49007					
				 SIGNATURE G. PATRICK SAGE NAME <u>37,710</u> REGISTRATION NUMBER	

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Yannis TSOUDEROS			Docket No. 107533787 SERVIEW 455 PCT	
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit
		JC17 Rec'd PCT/PTO		04 MAY 2005
Invention: Use of the distrontium salt of 2-[N,N-DI(Carboxymethyl)amino] -3-cyano-4-carboxymethyl-thiophene -5-carboxylic acid in obtaining medicaments intended for the treatment of gastro-duodenal pain.				
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> Certified translation of International Patent Application FR2003/003279 (10 pg), Transmittal letter, Declaration/Power of Attorney, ISR, IPER, Form PTO 1449, listing of claims, preliminary amendment, certified copy of French Application 02.13805 and translation thereof and check no. 73508 for \$1,000.00. </div> <p style="text-align: center; font-size: small;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center; margin-left: 150px;"> <u>May 4, 2005</u> <i>(Date)</i> </p> <div style="text-align: right; margin-top: 20px;"> <p>Linda Wooden <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p>  <i>(Signature of Person Mailing Correspondence)</i> </div> <p style="text-align: right; margin-top: 10px;"> EV 665490865 US <i>("Express Mail" Mailing Label Number)</i> </p>				

Note: Each paper must have its own certificate of mailing.